UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,267	08/29/2003	Uri Elzur	13782US03	1986

23446	7590	12/29/2005

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EXAMINER
AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>25 November 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

DAVID WILEY
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TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: the arguments presented are not persuasive (see below).

Applicant's arguments dated November 25, 2005 have been fully considered but are not persuasive.

In the remarks, Applicant argues, in substance, that (1) Boucher does not teach or suggest "processing occuring without reassembly", (2) Boucher does not teach "a TEEC including one internal elastic buffer", and (3) Suslow does not discloose that only at least one internal elastib buffer is utilized to temporarily buffer a portion of said incoming TCP packet.

As to point (1) Applicant's rationale is incorrect. Applicant is attributing the assembling of a packet with the reassembly of a fragmented TCP/IP packet stream. Applicant should be advised that the claim must be determined in light of the specification, however no limitation has been inported into the claim. Applicant will appreciate that any reasonable definition in the art of the term "reassembly" will consititute "act of regenerating a long message from several packets generated by segmentation". The assembly register is used to flow data one byte at a time. Applicant is utilizing the common term of reassembly in the specification for reassembling packets, which is clearly not done on the NIC, rather in the host memory as shown by Figure 2 of Boucher. If Applicant wishes to use the term reassembly as what is done in the assembly register, a rejection under 35 USC 112, first paragraph as not enabling this definition of the claim. Applicant enables processing without reassembly of segmented packets, not processing without clocking data bits into a register. By this rationale, the rejection is maintained.

As to point (2) Applicant is incorrect. Applicant is correct in the recitation of passages of Boucher, however the claimed elastic buffer temporarily buffers the data (emphasis on temporarily), this denotes that the data will be moved eventually. In the case of Boucher, the synchronization buffer 220 (read elastic buffer) temporarily buffers the data which eventually is moved to the DRAM. Applicant merely states that a portion of the packet is stored in the buffer, and does not specify what is stored. In the case of Boucher, the packet received by the RX sequencer 2105 is temporarily stored in the data sync buffer 2200 before it can be assembled in the data assembly register 2202. By this rationale the rejection is maintained.

As to point (3) Applicant is incorrect. Susnow disclsoes that the data is temporarily stored only by the elastic buffer. The data is temporarily buffered in the elastic buffer in order to transition from a network link into the core clock domain without data overflow or underflow. Applicant is advised to consult the teachings of any common computer networking reference to understand the benefits of data underflow or overflow, as the elastic buffer temporarily buffers the data into the system. Applicant has clearly not shown why the reference of Susnow does not disclose the limitation of claim 6 and the Office reaffirm that the burden of proof has been met by the Examiner. BY this rationale the rejection is maintained.